

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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Mail Processing Network Rationalization  
Service Changes, 2012

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Docket No. N2012-1

AMERICAN POSTAL WORKERS UNION, AFL-CIO,  
MOTION FOR IMMEDIATE ACCESS TO  
NON-PUBLIC INFORMATION IDENTIFIED  
AS USPS-LR-N2012-1/NP19  
(March 19, 2012)

Pursuant to 39 CFR 3007.40 and Rule 21 of the Commission's Rules of Practice and Procedure, the American Postal Workers Union, AFL-CIO (APWU) hereby moves for immediate access to Postal Service Library Reference USPS-LR-N2012-1/NP19, Materials Responsive to NPMHU/USPS-T5-1[Non-Public].

The Postal Service submitted Library Reference USPS-LR-N2012-1/NP19 on March 15, 2012, accompanied by an Application for non-public treatment. In its Application, the Postal Service states that the materials in this Library Reference "consist of data that disclose confidential financial information associated with real estate negotiations for which no sale has been completed."<sup>1</sup> The Postal Service states that if this information "were to be disclosed publicly, the Postal Service considers that it is quite likely that it would suffer commercial harm."<sup>2</sup> The Postal Service asserts that "disclosure of information associated with ongoing real estate negotiations would unfairly, to the economic detriment of the Postal Service, permit potential real estate transaction counterparties to gain specific insight into Postal Service real estate negotiation strategies."<sup>3</sup> The Postal Service further asserts "that materials filed non-publicly should be withheld from persons involved in the commercial real estate industry and real estate

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<sup>1</sup> Application of United States Postal Service for Non-Public Treatment of Library Reference USPS-LR-N2012-1/NP19 (March 15, 2012).

<sup>2</sup> Id. at 3.

<sup>3</sup> Id. at 3.

negotiations with the Postal Service, as well as their consultants and attorneys.”<sup>4</sup>

APWU is not involved in the commercial real estate industry. APWU is the exclusive collective bargaining representative of postal employees in the clerk, maintenance, and motor vehicle service crafts nationwide. APWU also mails millions of letters, periodicals, and packages each year and APWU members and retirees make extensive use of postal products and services. The changes proposed in this docket could have a significant impact on APWU represented employees and on the APWU and its members as a large user of the mail. Accordingly, APWU has intervened and has been an active participant in this docket. APWU also intends to submit rebuttal testimony. We believe that the information presented in USPS-LR-N2012-1/NP19 will facilitate preparation of our rebuttal case, possible cross examination of postal witnesses and our arguments on brief at the conclusion on this case.

There is limited time before the hearings on the Postal Service direct case are scheduled to occur, therefore, APWU seeks immediate access to this information. APWU believes this is appropriate given the fact that access to non-public information has been routinely granted to the APWU without objection from the Postal Service. Moreover, APWU Counsel has conferred with counsel for the Postal Service and has been told the Postal Service has no objection to the below listed APWU representatives, attorneys and consultants accessing the material in USPS-LR-N2012-1/NP19.

In accordance with 39 CFR 3007.40(b), the following APWU representatives, consultants and attorneys have completed a Statement of Compliance with Protective Conditions Certification, found in Appendix A to Part 3007 of Title 39 of the Code of Federal Regulations, for Library Reference USPS-LR-N2012-1/NP19:

Phillip A. Tabbita,  
Manager, Negotiation Support and Special Projects  
American Postal Workers Union, AFL-CIO

Kathryn Kobe,  
Director of Price, Wage and Productivity Analysis ECS, LLC  
Economic Consultant for American Postal Workers Union, AFL-CIO

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<sup>4</sup> Id. at 5.

Barbara Zibordi  
Paralegal  
O'Donnell, Schwartz & Anderson, P.C.

A copy of each Certification is attached hereto. The original Certifications will be promptly filed with the Commission. Persons identified by the Postal Service pursuant to Section 3007.2(c) have also been provided with a copy of this Motion today by email.

As stated above, Counsel for APWU has conferred with Postal Service counsel and has been told that the Postal Service has no objection to the above named individuals accessing the materials contained in USPS-LR-N2012-1/NP19. Thus, APWU requests that the Commission waive the normal three-day waiting period required to allow the Postal Service to object and grant immediate access to USPS Library Reference N2012-1/NP19 to the above named individuals.

**Conclusion**

For the forgoing reasons, APWU respectfully requests that access to Library References USPS-LR-N2012-1/NP19 be immediately granted to the above named individuals.

Respectfully submitted,

Jennifer L. Wood  
Counsel for American Postal Workers Union, AFL-CIO